The Planning System

Plan-making – Sets the Council's strategy and policies in the Local Plan

Development Management – deals with planning applications and proactively manages development

Enforcement – monitors how policies and developments are being implemented, including enforcement against breaches of planning.

Who makes planning decisions?

- Council officers support councillors and deliver the service to applicants and residents. Most decisions on planning applications are delegated to officers to deal with, in accordance with the terms set out in the Council's Constitution.
- The more strategic and complex planning proposals are decided on by councillors on the planning committee.

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Who makes planning decisions?

- Planning decisions can be made by the Secretary of State for Communities and Local government, where the issues involved in the application are of more than local importance, such as nationally significant infrastructure projects.
- The Secretary of State also has the power to direct the local planning authority to refer an application to him for decision. This is known as a ‘called-in’ application.
- Planning appeals are handled by the Planning Inspectorate (PINS), a government agency responsible for deciding most appeals on behalf of the Secretary of State.

Standards in planning are important

- Planning manages the right to develop land
- It involves balancing private and public interests
- Getting it wrong is costly (time, money, reputation, long lasting impacts)
- Need to demonstrate, at all times:
  - Fairness
  - Openness
  - Impartiality

So how does planning work?

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What is development?

Development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Includes:

- Demolition of buildings
- Rebuilding
- Structural alterations of or additions to buildings and
- Other operations normally undertaken by a person carrying on business as a builder.

Permitted Development

Not all development requires planning permission. The law allows for certain types of works to be done within needing to apply for planning permission. This is called “permitted development”. These are specified in the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. This applies throughout England provide the conditions (e.g. depth, height) are complied with.

Important Points to remember:

- Permitted development rights do not apply to flat or maisonettes and some more recent houses may have had rights removed by condition when granting planning permission.
- Additional restrictions apply in conservation areas and an “Article 4 Direction” can remove normal permitted development rights in an area.

What can Permitted Development include?

Permitted development rights are extensive. Typical examples of works which can be permitted development are as follows:

- Householder extensions and alteration including works to and in gardens
- Changes of Use
- Extensions to Buildings to provide new residential units (e.g. upwards extensions)
- Telecommunications Masts

Types of Applications

Categories of Planning Applications

- Householder planning application (8 week decision period)
- Minor Planning Applications (8 week decision period)
- Major Planning Applications (13 week decision period)
- Outline planning permission (more commonly used for major development) – can be all matters reserved but often includes consideration of access
- Reserved Matters (Layout, Scale, Appearance, Landscaping, Access) – must follow a grant of outline planning permission
- Permission in Principle (5 week decision period)

Types of Applications

Other permissions:

- Advertisement consents (8 week decision period)
- Listed Building Consent (8 week decision period)
- Prior Approvals (Technical application required by the General Permitted Development Order) (timescale for decision varies)
- Certificate of Lawful Development (can be existing or proposed) (8 week decision period)
- Conservation Area Notice (notifying of intention to do tree works) (6 week decision period)
- TPO application (8 week decision period)

Type of Applications

After permission is granted:

- Non-material amendment
- Variation/Removal of Condition (Section 73 application)
- Discharge of Conditions
- Retrospective applications (includes Section 73A)

So if it is development……
then what?

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The Planning Application Process

Stage 1 – When an application is received it is checked by Technical Support Officers to make sure the relevant information is present together with the fee.

Stage 2 – Application is publicised using letters, site notices and press notices (including notifying parish and town councils). The specific publicity undertaken depends on the application submitted. We publish how we notify on planning applications within our Statement of Community Involvement which can be found here:
https://www.stalbans.gov.uk/sites/default/files/attachments/Statement%20of%20Community%20Involvement%20-%20Adopted%20November%202021.pdf

The Planning Application Process

Stage 3 – Assessment – Responses are normally required to be submitted in 25 days. Written comments on relevant planning matters are taken into account.

Stage 4 – The case officer will write a report with their assessment and summary of comments received and will make a recommendation. This will either be determined by the Planning Committee or by another senior officer who has delegated authority.

Useful points to note

- Validation check is not carried out by planners so only checks documents are present and not whether or not they are adequate.
- Ownership Certificate determines the landowner – anyone can apply for anything as long as they serve notice on the land owner. This does not mean they can build it though!
- Red line identifies the site and links to the ownership certificate but we don't check this against land registry.

OK so how is an application considered?

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Principles of Good Decision-Making

Planning in England is policy-led.

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Local Plan (and Supplementary Planning Guidance)
- Neighbourhood Plans
- Positive and proactive; encourages delivery; right development for the **whole community**
- Not just about stopping bad developments from happening. It is about **managing** development.

Why we need Planning Policy

- To provide some certainty to residents

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Why we need Planning Policy

- To help developers and employers make informed decisions and judge the risk of investment

Why we need Planning Policy

- To help make difficult decisions

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Sustainable development: the ‘presumption’

The National Planning Policy Framework (NPPF) places emphasis on the need for councils to approach decision-making in a positive way to support the delivery of sustainable development.

The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

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‘Basic Principle’: start with the plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

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Can we *ignore the development plan?*

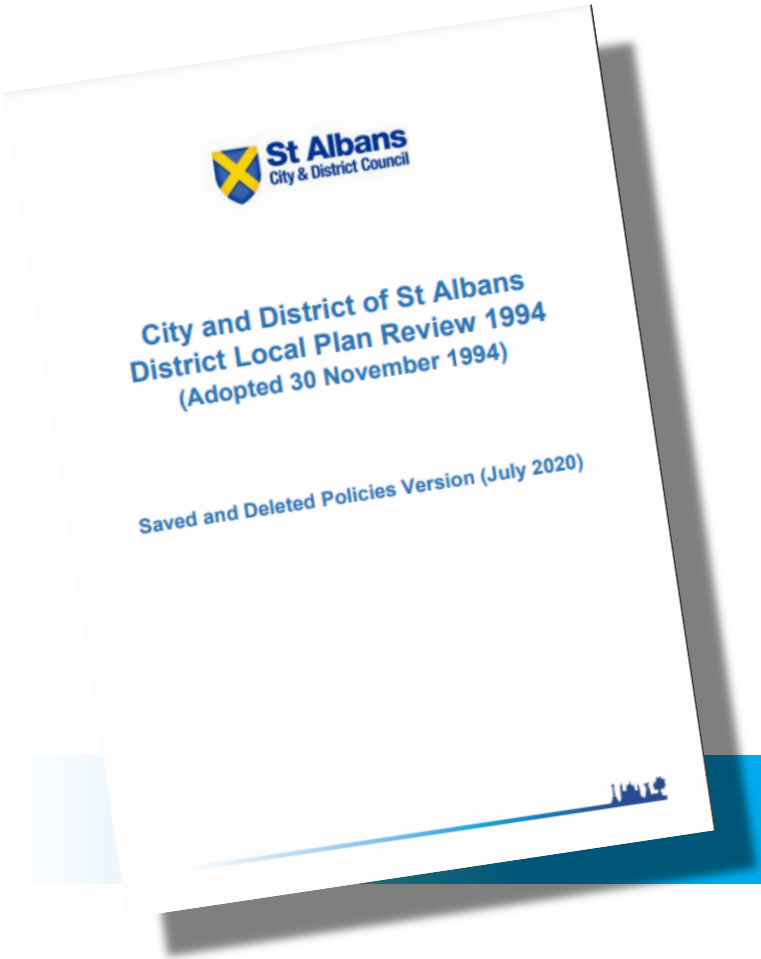
No, that would be unlawful.

- Remember: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Current Development Plan Status

District Local Plan Review 1994 Saved policies

Adopted Neighbourhood Plans



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NPPF and Decision Making

Paragraph 11. For decision-taking this means:

(c) Approve proposals that accord with an up-to-date development plan without delay; or

(d) Where there are no relevant development plan policies, or the policies are out-of-date, grant permission unless:

(i) Policies in the NPPF provide a clear reason for refusal

(ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In practice this means *if in doubt, approve……*and is often referred to as the 'tilted balance'.

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What does this mean?

- If you cannot demonstrate a 5 year housing land supply it is open season for other sites.
- Speculative sites will come forward and be decided on their own merits, with a presumption in favour of sustainable development.
- You will still have the sites allocated in the plan coming forward but there will be a loss of control and you may end up with more development than planned

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Material Considerations

- What they are and are not is decided by statements of national policy or by decisions of the courts.
- The weight that should be attached to each consideration in any particular case is for the decision maker.

Material Considerations

- Layout, density
- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway Safety – access/traffic
- Economic Impact of the Development
- Design and Appearance
- Noise/smell
- Planning History
- Nature Conservation (e.g. protected species)
- Disabled Access
- Drainage and water supply
- Public Rights of Way

Non-Material Considerations

- Impact on property prices
- Damage to properties
- Restrictive covenants
- Loss of views
- Whether or not the applicant owns the site
- Issues covered by other legislation
- Cost of the development
- Commercial competition
- Personal circumstances
- The applicant (History/Character)
- Strength or volume of opposition/objection
- Speculation over future use
- Boundary disputes
- The fact that the applicant is seeking to regularise the situation

So – is this a material consideration?

With another baby on the way we really need an extra bedroom and can't afford to move.

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Take Care

- Only in very exceptional circumstances should an applicant's personal circumstances be a significant factor in the planning decision.
- An individual’s circumstances will not alter the impact of the development on the area

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So – is this a material consideration?

I'm worried that my neighbour's extension is going to completely overshadow my garden.

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So – is this a material consideration?

The parking around here is already dreadful; I think all those flats are going to make it a lot worse.

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So – is this a material consideration?

Some adjustments will need to be made so that the development fits with planning policies.

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What is the role of the public in all this?

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Consultations and How Responses are Considered

- Planning law imposes a duty to consult on applications and all material planning considerations must be taken into account in order for a decision to be sound. Base comments on material planning considerations.
- Provide local evidence/knowledge to support concerns.
- Provide more reasoning as to why you feel a development does/does not comply with Local Plan policies.
- There is no requirement for officers/the Council to agree with all views however. Sound decision making is based on the development plan.

Important Point to Note

- Sometimes vocal local groups can drown out other residents.
- Some people feel disenfranchised, afraid to comment, or are just trusting the authority to make the right decision
- It's not the **volume** of objections but the **content** that is relevant

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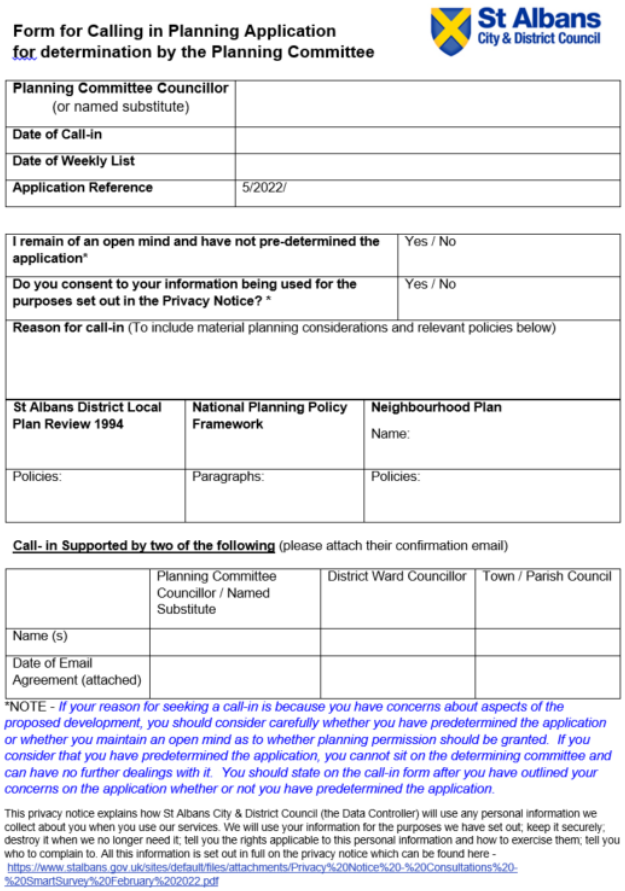
The Call In Process - Overview

- All decisions are initially delegated to officers
- District Councillors/Parish Council may "call in" applications they feel should go to Committee.
- Call-ins need to submitted to the planning department by the call-in deadline date on the weekly list of applications registered on which the application appears. N.B. This is not always in line with the “Comments Due By” Date on the website.
- The aim is to schedule in the application for a committee meeting so that a decision can be made within the statutory timescale.

Call-in Process

- Call-in process can be instigated by any Councillor or Town/Parish Council.
- Anyone can email the form to the call-in email address - call.in@stalbans.gov.uk
- Form must be signed by a DM Committee Councillor or named substitute and supported by two others. Emails evidence of agreement to be attached.
- Reporting call-ins in committee report will be in alphabetical order.



Form for Calling in Planning Application for determination by the Planning Committee

St Albans City & District Council

Planning Committee Councillor (or named substitute)	
Date of Call-in	
Date of Weekly List	
Application Reference	5/2022/

I remain of an open mind and have not pre-determined the application*	Yes / No
Do you consent to your information being used for the purposes set out in the Privacy Notice? *	Yes / No

Reason for call-in (To include material planning considerations and relevant policies below)

St Albans District Local Plan Review 1994	**National Planning Policy Framework**	**Neighbourhood Plan** Name:
Policies:	Paragraphs:	Policies:

Call- in Supported by two of the following (please attach their confirmation email)

	Planning Committee Councillor / Named Substitute	District Ward Councillor	Town / Parish Council
Name (s)			
Date of Email Agreement (attached)			

*NOTE - *If your reason for seeking a call-in is because you have concerns about aspects of the proposed development, you should consider carefully whether you have predetermined the application or whether you maintain an open mind as to whether planning permission should be granted. If you consider that you have predetermined the application, you cannot sit on the determining committee and can have no further dealings with it. You should state on the call-in form after you have outlined your concerns on the application whether or not you have predetermined the application.*

This privacy notice explains how St Albans City & District Council (the Data Controller) will use any personal information we collect about you when you use our services. We will use your information for the purposes we have set out; keep it securely; destroy it when we no longer need it; tell you the rights applicable to this personal information and how to exercise them; tell you who to complain to. All this information is set out in full on the privacy notice which can be found here - https://www.stalbans.gov.uk/sites/default/files/attachments/Privacy%20Notice%20-%20Consultations%20-%20SmartSurvey%20February%202022.pdf

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Call-in Process

Call-ins now only apply to the following applications:

- Major
- Minor
- Householder
- Demolition of a Listed Building
- Demolition of an unlisted building in a Conservation Area

Does not include technical applications e.g. Discharge of Conditions or Prior Approval applications due to the narrow considerations available for these type of applications.

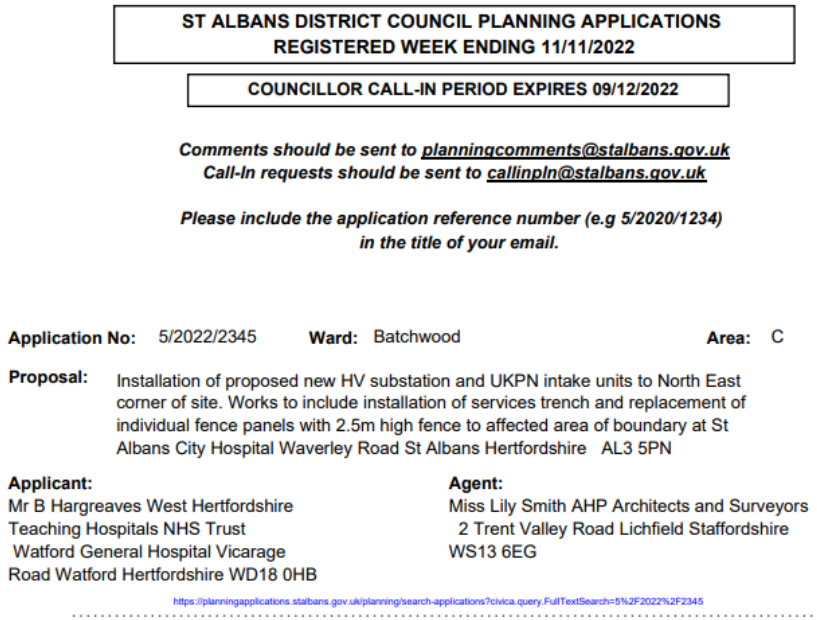
N.B. Only recommendations to approve will go to committee.

The Call In Process - General

- All call-ins to be in writing using the District Council Call-in Form.
- All call-ins to give the reasons for call-in (i.e. the relevant material planning considerations and relevant policies).
- The reasons must be material planning grounds and if members are unsure they should discuss the proposed call in with senior planning officers prior to sending a request for call in.
- https://www.planningportal.co.uk/services/help/faq/planning/about-the-planning-system/what-are-material-considerations

Call-in Process

- 28 day deadline from date published on the weekly list still applies.
- Weekly lists found here: https://www.stalbans.gov.uk/applications-decisions-and-appeals



ST ALBANS DISTRICT COUNCIL PLANNING APPLICATIONS REGISTERED WEEK ENDING 11/11/2022

COUNCILLOR CALL-IN PERIOD EXPIRES 09/12/2022

Comments should be sent to planningcomments@stalbans.gov.uk
Call-In requests should be sent to callinpln@stalbans.gov.uk

Please include the application reference number (e.g 5/2020/1234) in the title of your email.

Application No: 5/2022/2345 **Ward:** Batchwood **Area:** C

Proposal: Installation of proposed new HV substation and UKPN intake units to North East corner of site. Works to include installation of services trench and replacement of individual fence panels with 2.5m high fence to affected area of boundary at St Albans City Hospital Waverley Road St Albans Hertfordshire AL3 5PN

Applicant:
Mr B Hargreaves West Hertfordshire Teaching Hospitals NHS Trust Watford General Hospital Vicarage Road Watford Hertfordshire WD18 0HB

Agent:
Miss Lily Smith AHP Architects and Surveyors 2 Trent Valley Road Lichfield Staffordshire WS13 6EG

https://planningapplications.stalbans.gov.uk/planning/search-applications?civica.query.FullTextSearch=5%2F2022%2F2345

St Albans City & District Council

ST ALBANS DISTRICT COUNCIL PLANNING APPLICATIONS
REGISTERED WEEK ENDING 21/05/2021

COUNCILLOR CALL-IN PERIOD EXPIRES 18/06/2021

Comments should be sent to planningcomments@stalbans.gov.uk
Call-In requests should be sent to callinpln@stalbans.gov.uk

Please include the application reference number (e.g 5/2020/1234) in the title of your email.

Application No: 5/2021/1321 **Ward:** Ashley **Area:** C

Proposal: Single storey and first floor rear extensions, roof alterations to existing single storey rear extension and alterations to openings at 33 Cedarwood Drive St Albans Hertfordshire AL4 0DN

Applicant:
Mr B Latif
33 Cedarwood Drive St Albans
Hertfordshire AL4 0DN

Agent:
Mr Michael Ricketts MJR Designs
64 Tallents Crescent Harpenden
Hertfdorshire AL5 5BS

https://planningapplications.stalbans.gov.uk/planning/search-applications?civica.query.FullTextSearch=5%2F2021%2F1321

Where to find policies for call-ins

- National Planning Policy Framework - https://www.gov.uk/government/publications/national-planning-policy-framework--2
- St Albans District Local Plan Review 1994 - https://www.stalbans.gov.uk/current-local-plan
- Relevant Neighbourhood Plan - https://www.stalbans.gov.uk/neighbourhood-planning

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Where to find policies for call-ins

Major Planning Application (for example 10+ new homes)	**Minor Planning Application** (inc. replacement of a home and creation of between 1 and 9 new homes)	**Householder Planning Applications** (for example house extensions, sheds, garages, works to the house or within garden)	**Demolition of a Listed Building**	**Demolition of a building in the conservation area**
National Planning Policy Framework (NPPF) 104 – 113 Sustainable Transport 137 – 151 Protecting Green Belt Land 174 – 188 Natural Environment		National Planning Policy Framework (NPPF) 126 – 136 Well Designed places	National Planning Policy Framework (NPPF) 189 – 208 Historic Environment	
St Albans Local Plan Review 1994 (LP) 34 – Highway Considerations 69 – General Design and Layout 70 – Design and Layout of New Housing		St Albans Local Plan Review 1994 (LP) 13 – Extensions in the Green Belt 72 – Extensions in residential areas	St Albans Local Plan Review 1994 (LP) 86 – Listed Buildings	St Albans Local Plan Review 1994 (LP) 85 – Development in Conservation Areas
Harpenden Neighbourhood Plan ESD1 – Design Strategy		Harpenden Neighbourhood Plan ESD1 – Local Character and Heritage		
St Stephen Neighbourhood Plan S5 – Design			St Stephen Neighbourhood Plan S4 – Heritage Assets	
Sandridge Neighbourhood Plan D4 – Building Guidelines	Sandridge Neighbourhood Plan D4 – Building Guidelines	Sandridge Neighbourhood Plan D6 – Housing Design	Sandridge Neighbourhood Plan E5 – Heritage Assets	
Wheathampstead Neighbourhood Plan W8 – Character of Development	**Wheathampstead Neighbourhood Plan** W9 – High Quality Design	**Wheathampstead Neighbourhood Plan** W10 – Incorporating Sustainable Design Features	**Wheathampstead Neighbourhood Plan** W11 – Attractive Village Street Scene	
Redbourn Neighbourhood Plan RED10 – High Quality Design	Redbourn Neighbourhood Plan RED11 – Sustainable Design			

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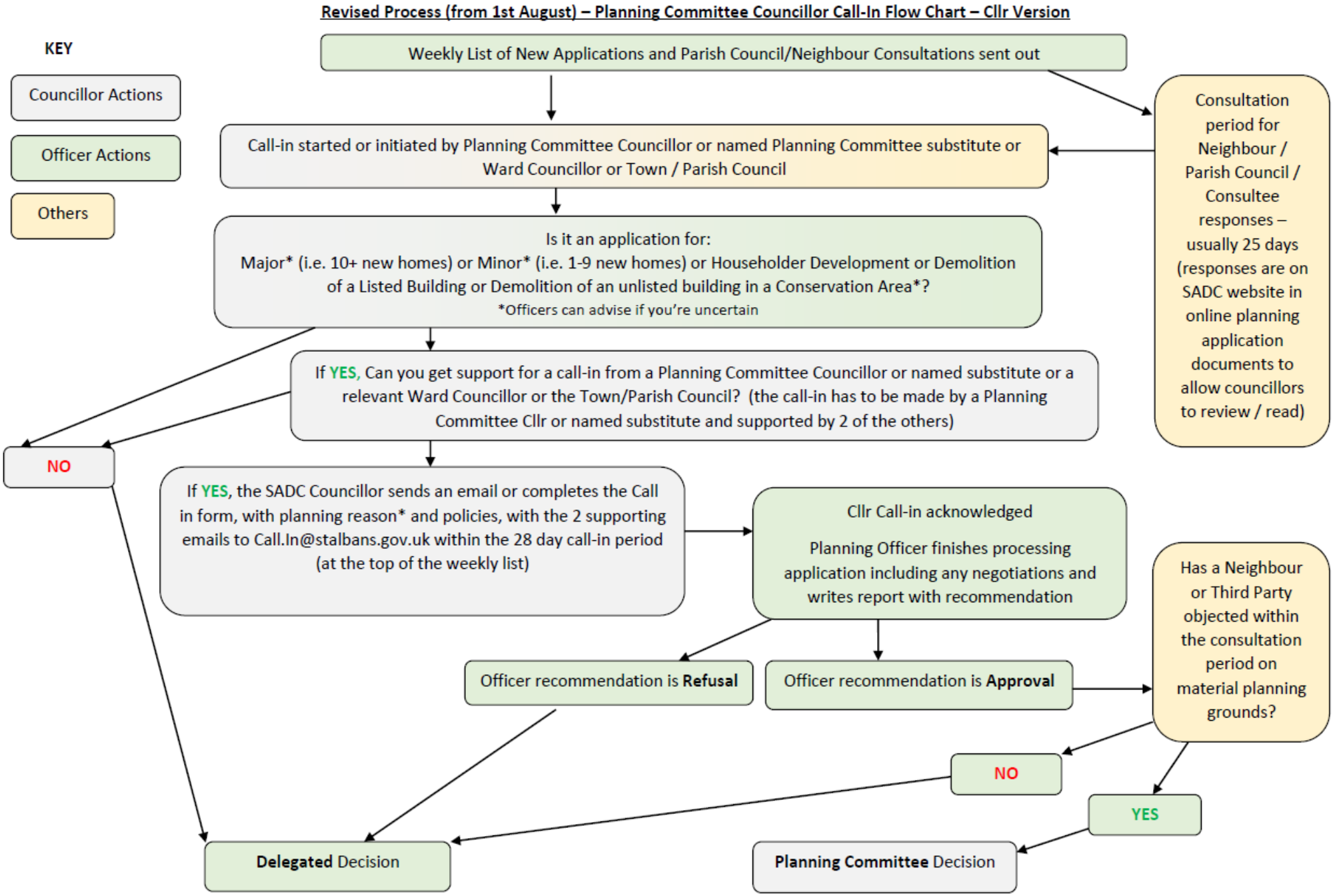
Revised Process (from 1st August) – Planning Committee Councillor Call-In Flow Chart – Cllr Version
KEY
Councillor Actions
Officer Actions
Others
Weekly List of New Applications and Parish Council/Neighbour Consultations sent out
Consultation period for Neighbour / Parish Council / Consultee responses – usually 25 days (responses are on SADC website in online planning application documents to allow councillors to review / read)
Call-in started or initiated by Planning Committee Councillor or named Planning Committee substitute or Ward Councillor or Town / Parish Council
Is it an application for:
Major* (i.e. 10+ new homes) or Minor* (i.e. 1-9 new homes) or Householder Development or Demolition of a Listed Building or Demolition of an unlisted building in a Conservation Area*?
*Officers can advise if you're uncertain
If YES, Can you get support for a call-in from a Planning Committee Councillor or named substitute or a relevant Ward Councillor or the Town/Parish Council? (the call-in has to be made by a Planning Committee Cllr or named substitute and supported by 2 of the others)
NO
If YES, the SADC Councillor sends an email or completes the Call in form, with planning reason* and policies, with the 2 supporting emails to Call.In@stalbans.gov.uk within the 28 day call-in period (at the top of the weekly list)
Cllr Call-in acknowledged
Planning Officer finishes processing application including any negotiations and writes report with recommendation
Officer recommendation is Refusal
Officer recommendation is Approval
Has a Neighbour or Third Party objected within the consultation period on material planning grounds?
NO
YES
Delegated Decision
Planning Committee Decision

Predetermination vs. Predisposition

The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave the committee's decision susceptible to challenge by Judicial Review.

Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition). The latter is alright, the former is not and may result in a Court quashing such planning decisions.

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Examples of predisposition and predetermination

Predisposition – A councillor expresses concern about the impact of a development on local residents and will only support the application if conditions could be put in place to overcome the harm.

Predetermination – A councillor makes a statement on social media to say that they will support local residents by voting against the development due to the harm it will cause.

Is this predetermination?

I will oppose all applications for housing on Green Belt sites in principle.

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Is this predetermination?

There is considerable local objection to this application due to the impact on traffic and highway safety. I need to be satisfied that these concerns have been adequately addressed and conditions are in place to ensure address these matters.

Roles of Non Planning Councillors

- Non Planning Committee Member
- Can express ‘pre-determined’ views
- Can express those at Committee (within Councillor speaking slot before each planning application)
- Will have to disclose any interests.

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Roles of Planning Councillors

- Any Councillor on a planning committee is likely to face strong conflicts between this “quasi judicial” role and the other roles he/she fulfils - in particular, there may well be conflicts with his/her representative role.

- It is the resolution of these conflicts between their different roles, both in actuality and also as they may be **perceived** by others, that lies at the heart of legislation and good practice on this topic.

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So what does a decision look like?

Planning Conditions and Obligations

Planning applications can be approved, approved with conditions, or refused. Planning conditions and obligations (known as S106 agreements) can be used to make an otherwise unacceptable development acceptable.

St Albans City & District Council

Conditional Permissions and the Use of Planning Conditions

The National Planning Policy Framework provides six tests against which all conditions should be judged.

- Necessary
- Relevant to planning
- Relevant to the development
- Enforceable
- Reasonable
- Precise

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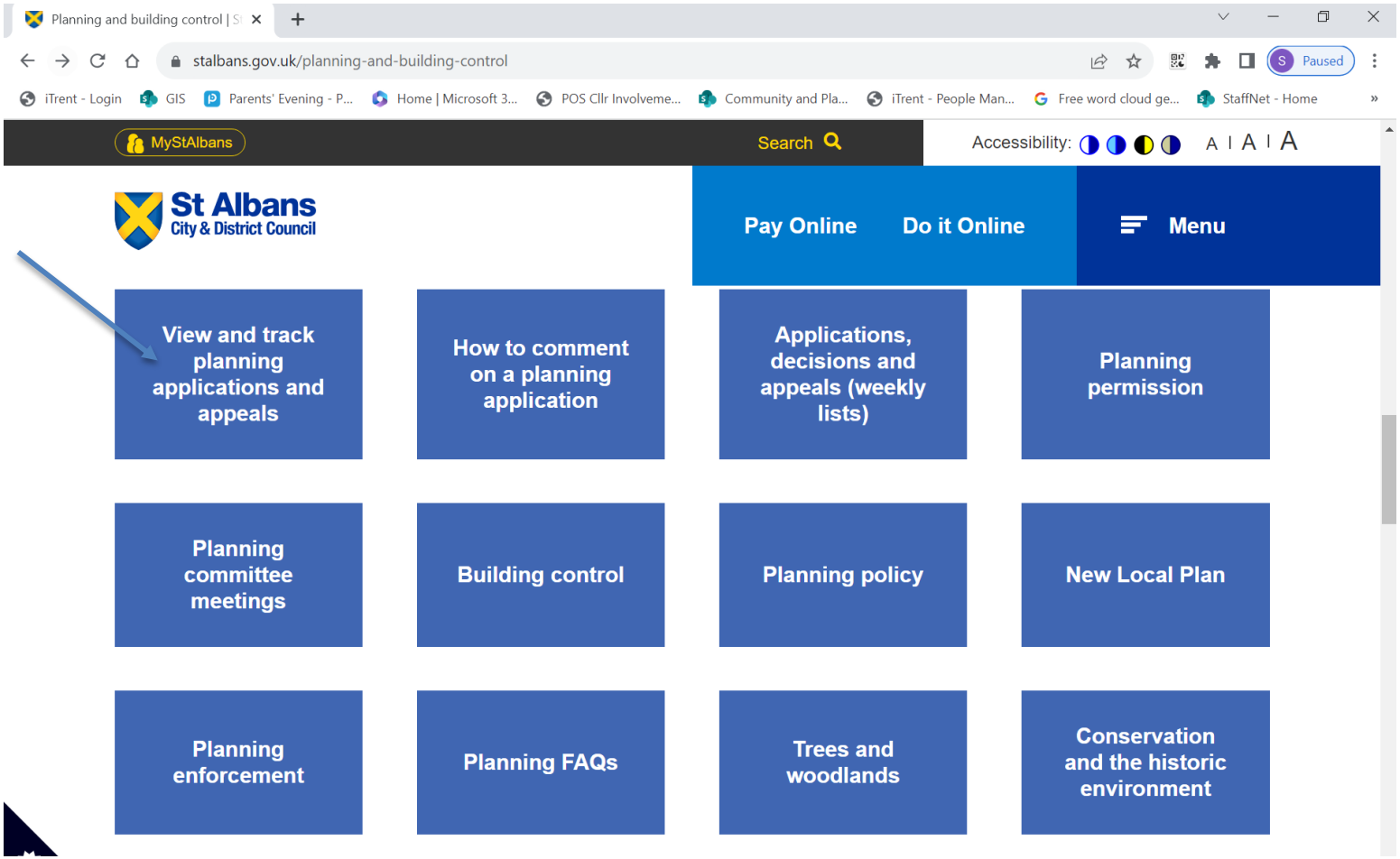
Refusals

If planning permission is refused, the Council has to clearly set out what was unacceptable and what policies were not met. Reasons for refusal have to be based on clear evidence.

Refusals

- Accurate
- Lawful
- Directly related to the development proposal and based on the plan and material considerations
- Must be based on evidence
- May be subject to appeal
- Unreasonable or invalid refusals can result in costs awards against the Council; but considered decisions properly defended will not, event if lost at appeal.

Where can I find a decision?



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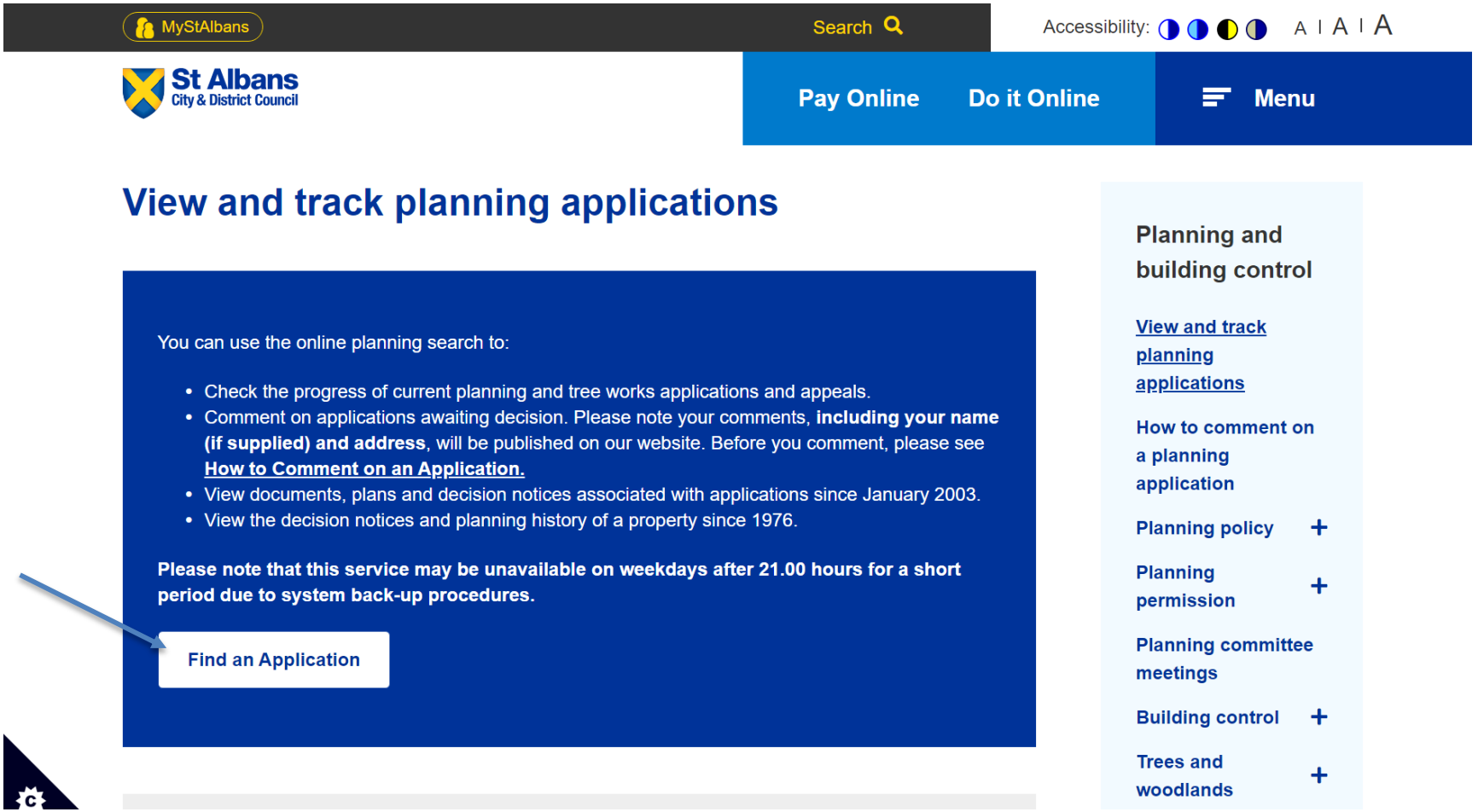
Where can I find a decision?



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Where can I find a decision?

Planning Help

- How to Comment on a Planning Application
- Do I Need Planning Permission
- What Happens to Your Application
- Planning Committee Meetings
- After Permission is Granted
- Search for Applications on Map

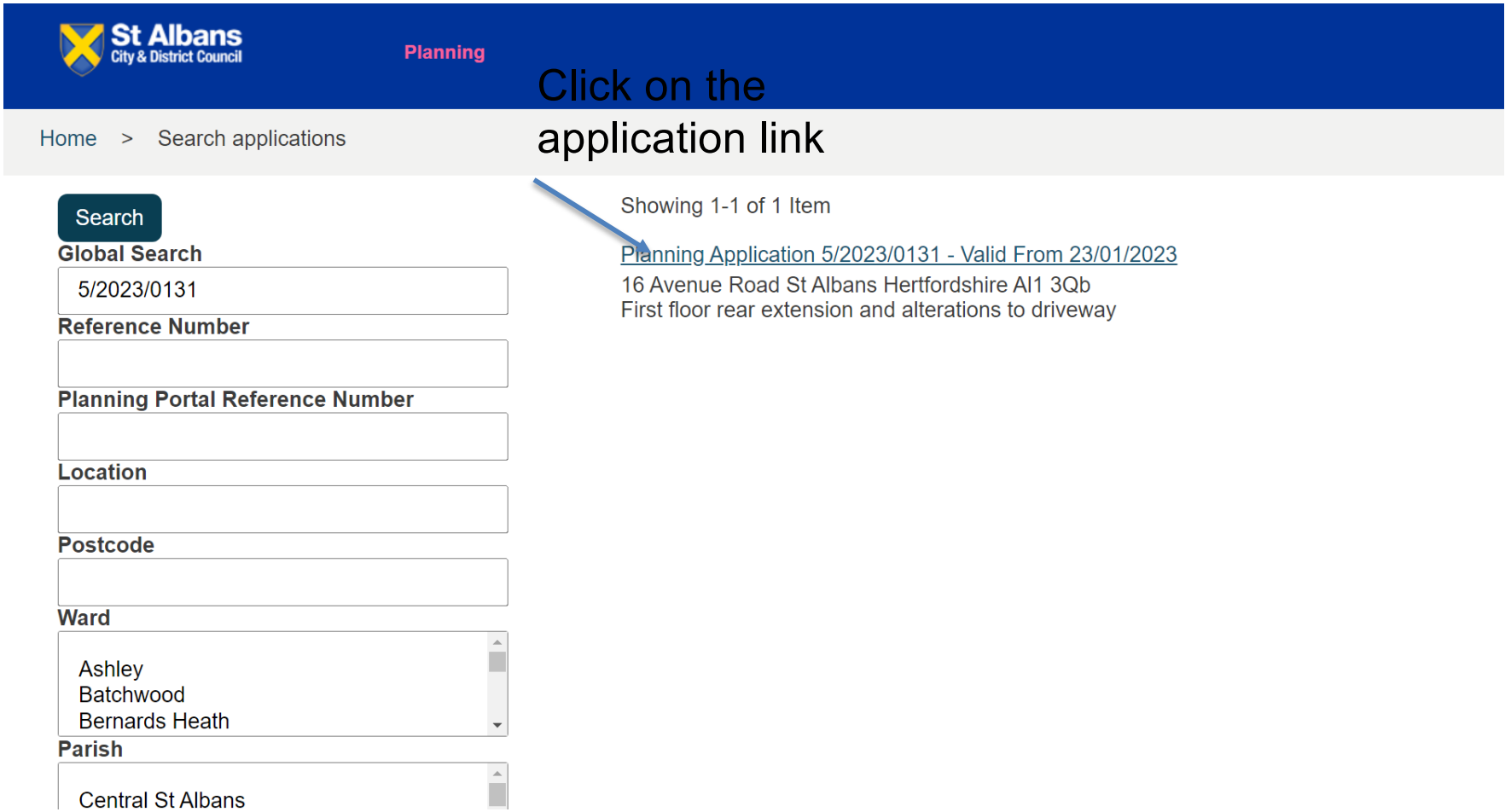
Weekly Decisions

- Last Week
- 20 August to 26 August
- 13 August to 19 August
- 6 August to 12 August
- 30 July to 5 August
- 23 July to 29 July
- 16 July to 22 July

Weekly Lists of Applications & Appeals

St Albans
City & District Council

Where can I find a decision?



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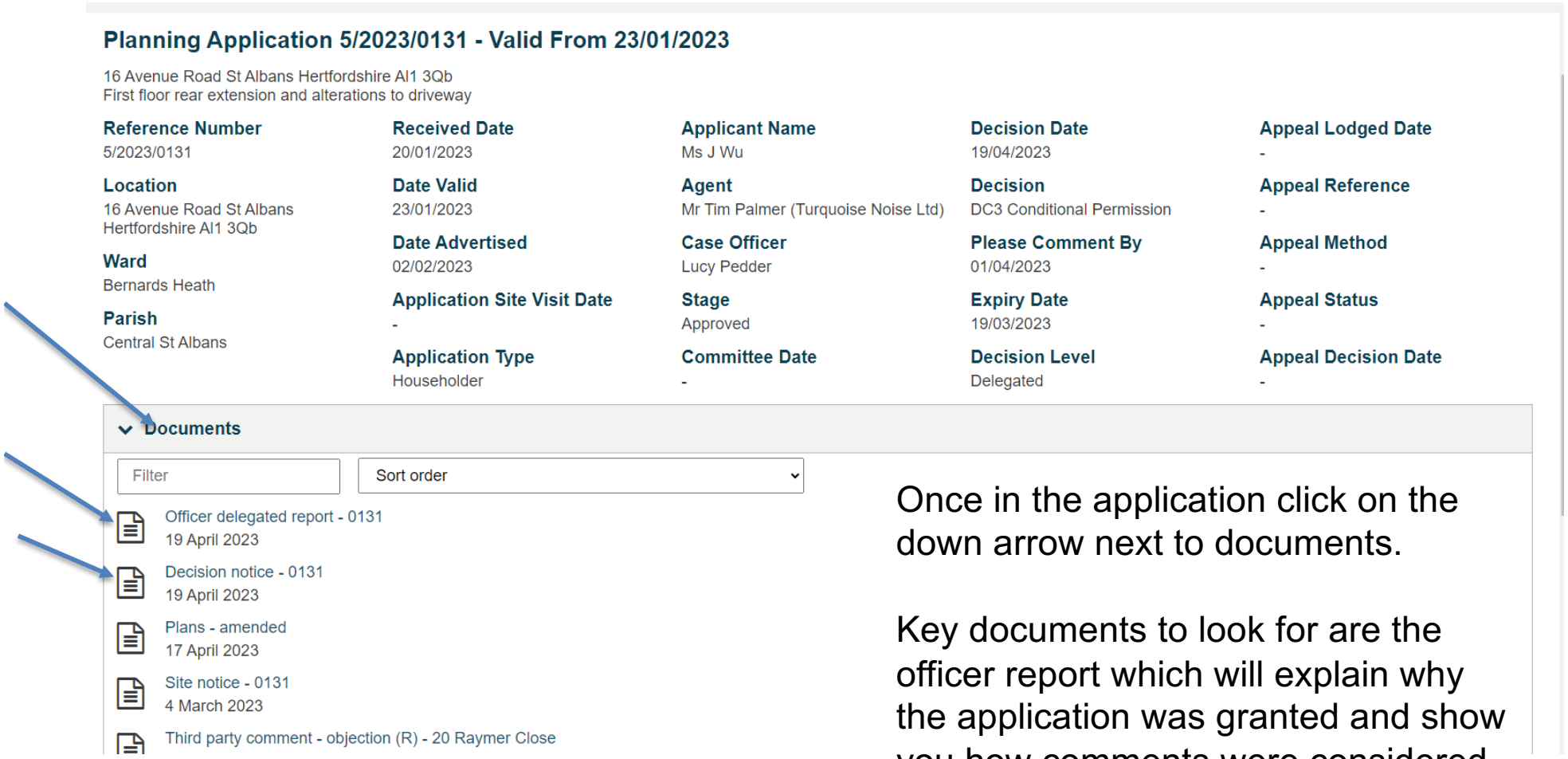
Where can I find a decision?



Once in the application click on the down arrow next to documents.

Key documents to look for are the officer report which will explain why the application was granted and show you how comments were considered and the decision notice.

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How decisions are challenged - Appeals

- Dealt with by the Planning Inspector. Inspector considered each matter afresh.
- Around 5% apps to appeal
- Resource intensive and potential costs for unreasonable behaviour
- Fast track appeals for Householders
- Written reps, Informal Hearings and Public Inquiry for other matters
- Appeals can be lodged if a decision is not made in time (known as an appeal against non-determination)

Heritage and Development

St Albans City & District Council

What is a Listed Building?

- A listed building is a building that has been included on the National Heritage List for England (NHLE) https://historicengland.org.uk/listing/the-list/. The NHLE is compiled and maintained by Historic England.
- There is a statutory duty on those making planning decisions to have “special regard” to the desirability of preserving the building and any features of historic interest.
- A listed building’s NHLE entry will provide information about its significance, although the level of detail varies.

When is Listed Building Consent required?

- Any works to demolish any part of a listed building or to alter or extend it in a way that affects its character as a building of special architectural or historic interest require listed building consent, irrespective of whether planning permission is also required.
- For all grades of listed building, unless the list entry indicates otherwise, the listing status covers the entire building, internal and external, and may cover objects fixed to it, and also curtilage buildings or other structures.
- Undertaking works, or causing works to be undertaken, to a listed building which would affect its character as a building of special historic or architectural interest, without first obtaining listed building consent is a criminal offence.

What are Conservation Areas?

- Conservation areas (CAs) are areas designated by the Local Planning Authority (LPA) as being of special architectural or historical interest with a definable character or appearance.
- There is a statutory duty on those making decisions affecting Conservation Areas to pay “special attention” to preserving or enhancing their character or appearance.

What are Locally Listed Buildings?

- Locally Listed Buildings are buildings, or structures, within the District which are considered to make a positive contribution to the local character and sense of place.
- Buildings are added to the local list in recognition of their value as irreplaceable historic assets which contribute to the quality of the local environment by enhancing the street scene and sustaining a sense of distinctiveness.
- Locally listed buildings are considered to have heritage significance, but do not meet the criteria for national designation.

What are Article 4 Directions?

- Certain works that would normally require planning permission are permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
- A number of permitted developments rights are curtailed in the case of listed buildings and conservation areas.
- An Article 4 Direction can be made by the LPA. It restricts the scope of permitted development right.
- Where an article 4 direction is in effect, a planning application may be required for development that would otherwise have been permitted development. Article 4 directions are used to control works that could threaten the character of an area of acknowledged importance, such as a conservation area.

How are applications affecting heritage assets determined?

- National and local policies provide the decision-making framework but it is for LPAs to determine how they ought to be applied to an individual application.
- The LPA will need to assess how much harm the proposed works will cause to the significance of the heritage asset, whether alternatives or mitigations could avoid or reduce it, and whether the harm is sufficiently justified.
- Information about a Conservation Area's historical significance can be found in the Conservation Area Appraisal which will identify aspects such as building design features and construction materials that give the Conservation Area its character.

General Approach

- Wherever possible, repairing heritage assets is preferable to replacing them. Applicants should also consider whether the benefits used to justify the proposed works (e.g. energy efficiency) could be achieved by other means.
- Historic England's website provides information about how to maintain and upgrade historic buildings - https://historicengland.org.uk/advice/your-home/
- Where replacement is necessary, LPAs still expect the harm to mitigated by, for example, using materials or designs that are sympathetic to the original. Whether proposed mitigations are sufficient are largely a matter of local planning judgement.

Justifying Harm

- Decision-makers must determine whether the harm caused by a proposal is ‘substantial’ or ‘less than substantial.’ Where harm is less than substantial there is greater scope for heritage considerations to be outweighed by the public benefits of the proposal (NPPF para 202).
- ‘Public benefits’ are broadly defined in the NPPG on the historic environment as “anything that delivers economic, social or environmental objectives” of the NPPF (para 020).

Justifying Harm

- All harm must be clearly and convincingly justified, however, and the PPG goes on to emphasise that private benefits are not enough. For example, the energy cost savings of double-glazed UPVC windows are, by themselves, unlikely to justify the heritage damage of removing traditional timber windows.
- While this is a matter of planning judgement, the statutory duties regarding Conservation Areas and listed buildings mean that any harm will create a strong presumption for refusing permission. Heritage is the primary consideration, not just one factor among others.

Locally Listed Buildings

- For locally listed buildings the NPPF states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Useful Links

- https://historicengland.org.uk/advice/your-home/improvement/
- https://historicengland.org.uk/advice/your-home/owning-historic-property/conservation-area/
- https://historicengland.org.uk/advice/your-home/owning-historic-property/listed-building/
- https://www.stalbans.gov.uk/conservation-areas
- https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#overview-historic-environment

Making Older Housing Stock more Sustainable

- We seek to encourage retrofitting measures to existing buildings to improve their energy and water efficiency and their adaptability to climate change. Support for appropriate domestic scale renewables is also important.
- However without an up to date Local Plan, we are reliant on either Permitted Development Regulations or the NPPF.

Solar Panels and Permitted Development

- Placing solar panels on the roof of your house or flat, or a building within the grounds of your house or flat, is considered in most cases ‘permitted development’ whether your home is in a conservation area or otherwise https://www.legislation.gov.uk/uksi/2015/596/contents/made

For permitted 2 important tests:

- Will, so far as practicable, be sited to minimise their effect on the external appearance of the building.
- Will, so far as practicable, be sited to minimise their effect on the amenity (attractiveness) of the area.

St Albans City & District Council

How can I establish if my panels would be permitted development?

- The Council can formerly confirm a development is permitted development through a lawful development certificate application.
- https://www.planningportal.co.uk/permission/responsibilities/planning-permission/lawful-development-certificates
- If any solar panels would be sited on a front facing roof slope then there is a need to demonstrate why other roof slopes which are less prominent are not practicable.
- The details of the type of solar panels are also important to include e.g. in roof or rack mounted or slate appearance panels. Which is most appropriate for the dwelling/the area?

St Albans City & District Council

What other sustainable measures could I consider?

- Internal or External Solid Warm insulation
- Cavity Wall insulation
- Warm or cold roof
- Insulation to flat roof above existing structure or under existing surface/ceiling.
- Insulation above or between rafters plus inside/outside of cheeks to a dormer

What other sustainable measures could I consider?

- Rooflights – renovate seals and draught roofing or upgrade to high performance insulated rooflight.
- Windows – draught proofing, secondary glazing, vacuum, thin-profile double glazing in original frames.
- External doors - draught proofing.
- Insulation of internal downpipes
- Insulation under solid floors
- Seal gaps between board of suspended timber floors
- Insert vapour permeable membrane under floor or upgrade floor to high performance flooring.

What other sustainable measures could I consider?

- Air source heat pump
- Ground source heat pump
- Combined Heat and power system
- EV Charging Infrastructure

Best Guidance: https://beta.bathnes.gov.uk/energy-efficiency-retrofitting-and-sustainable-construction-supplementary-planning-document

Planning Enforcement

St Albans City & District Council

Planning Enforcement

What does planning enforcement investigate?

- Breaches of conditions or approved plans
- Breaches of permitted development
- Unauthorised use of land or buildings, including Gypsy/Traveller incursions
- Unauthorised works to a protected tree in a conservation area, or covered by a Tree Preservation Order
- Unauthorised works to a listed building or display of an advert
- Untidy land

St Albans City & District Council

Planning Enforcement

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control”. (NPPF March 2021)

What is the breach? - Carrying out works, which would require planning permission, without the necessary consent; or failing to comply with any condition or limitation for which planning permission has been granted.

What is the potential harm? - It will depend on the degree of planning harm being caused. Any action taken will be proportionate to the harm being caused by the development.

Planning Enforcement

Same starting point as Development Management. Officers visit the site and then consider:

1. Do the works constitute development?
2. If so, are the works permitted development?
3. If not, are the works likely to be acceptable and is an application appropriate to remedy the breach?
4. If no, then negotiation is needed and if this fails, then formal enforcement action can be justified.

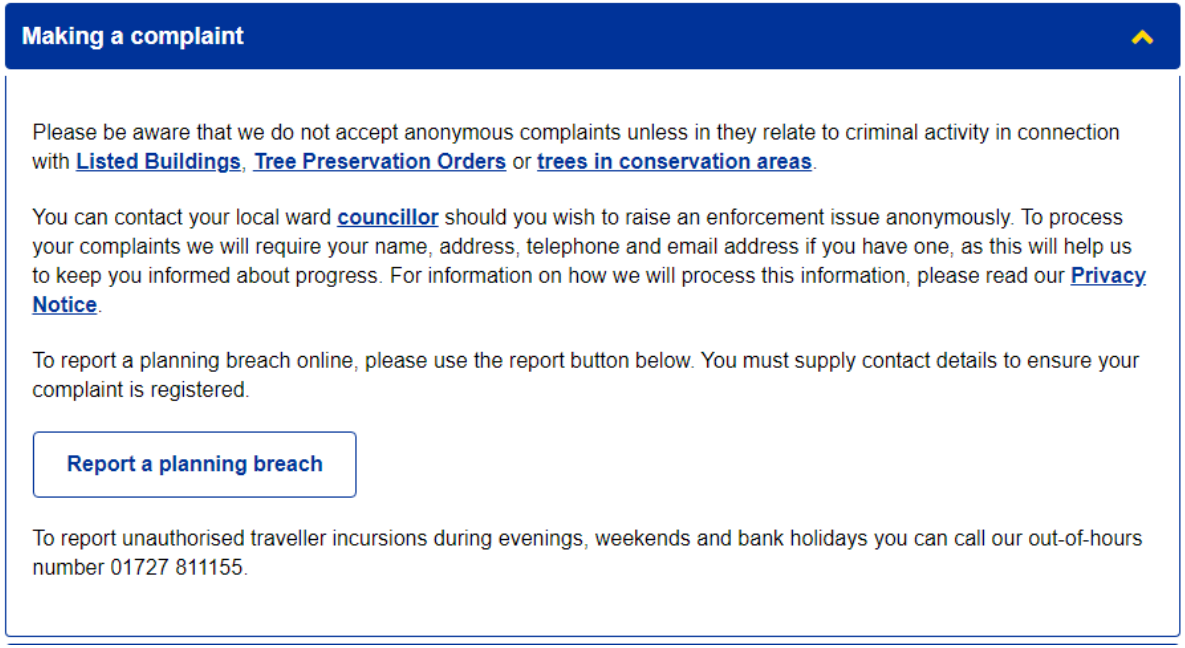
St Albans City & District Council

Planning Enforcement – Key things to remember

- Planning Enforcement is discretionary – it is not compulsory for an LPA to act against a breach.
- Starting point is to negotiate, remediate and enforce – in that order.
- Proportionality is fundamental principle.
- Nearly all enforcement notices are subject to an appeal which delays need for compliance. Currently enforcement appeals are taking an average of 1-2 years depending on appeal method.

How to contact Planning Enforcement

- https://www.stalbans.gov.uk/planning-enforcement



Making a complaint

Please be aware that we do not accept anonymous complaints unless in they relate to criminal activity in connection with **Listed Buildings**, **Tree Preservation Orders** or **trees in conservation areas**.

You can contact your local ward **councillor** should you wish to raise an enforcement issue anonymously. To process your complaints we will require your name, address, telephone and email address if you have one, as this will help us to keep you informed about progress. For information on how we will process this information, please read our **Privacy Notice**.

To report a planning breach online, please use the report button below. You must supply contact details to ensure your complaint is registered.

Report a planning breach

To report unauthorised traveller incursions during evenings, weekends and bank holidays you can call our out-of-hours number 01727 811155.

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